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**TO:**

**Name:** Mail Stop AMENDMENT  
Art Unit 3772/Examiner Michael Brown

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 10/047,545

Gary Karlin Michelson

Filed: January 16, 2002

**THREADED FRUSTO-CONICAL INTERBODY**

**SPINAL FUSION IMPLANTS**

Attorney Docket No. 101.0053-01000

Customer No. 22882

Confirmation No.: 4993

**FROM:**

**Name:** Thomas H. Martin

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 9

**Date:** January 28, 2008

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Information Disclosure Statement Under 37 C.F.R. § 1.97(c) and Form PTO/SB/08 with one document (\$180.00 total IDS fee is to be charged to Deposit Account No. 50-3726) are being facsimile transmitted to the U.S. Patent and Trademark Office on January 28, 2008.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0053-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: )  
Gary Karlin Michelson )  
Serial No.: 10/047,545 )  
Filed: January 16, 2002 )  
For: THREADED FRUSTO-CONICAL )  
INTERBODY SPINAL FUSION )  
IMPLANTS )

Conf. No.: 4993

Group Art Unit: 3772

Examiner: Michael Brown

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

01/30/2008 TNGUYEN2 00000050 503726 10047545  
01 FC:1006 100.00 DA

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the document listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to

present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 28, 2008

By: 

Thomas H. Martin

Registration No. 34,383

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